

Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

TO: The Commission

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**VENTURE TECHNOLOGIES GROUP'S
PETITION FOR CLARIFICATION AND PARTIAL RECONSIDERATION
OF THE FIFTH AND SIXTH REPORTS AND ORDERS**

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The Fifth and Sixth Reports and Orders (adopted April 3, released April 21, 1997) mark one of the most significant achievements in the history of the Federal Communications Commission ("Commission"). Never before has the Commission created a new nationwide telecommunications service from the ribs of older ones, i.e., Low Power Television and conventional analog full-service television, as opposed to carving new underutilized spectrum for the service. The Fifth Report and Order ("Fifth R&O") and the Sixth Report and Order ("Sixth R&O") (collectively, "R&Os") are early steps of creating effective rules for fairly governing this new service and share many of the goals of Venture Technologies Group ("VenTech"). VenTech is pleased that so many of its Comments on the Sixth Notice of Proposed Rulemaking ("Comments") were respectfully referenced and incorporated into the Sixth R&O.¹

This Petition for Clarification and Partial Reconsideration of the R&Os are submitted on behalf of VenTech and its associated broadcasting and cable companies and clients, including full-service television broadcasters, low power television broadcasters, noncommercial television broadcasting companies, cable television multisystem operators, and cable television programmers.² VenTech has forged this consensus from different

¹ See Venture Technologies Group's Comments on the Sixth Notice of Proposed Rulemaking, MM Docket 87-268 (November 22, 1996); and Venture Technologies Group's Comments on the Digital Television Standards Agreement, MM Docket 87-268 (December 5, 1996).

² For ease of reference, this Petition refer to signatories as "VenTech," which represents and is a signatory of this document on behalf of Venture Technologies Group, associated companies and clients, who are television broadcasters, cable television multisystem operators, and low power television station, including W54BQ, channel 54, Providence, Rhode Island; WBTL-LP, channel 5, Toledo, Ohio; W69CL, channel 69, Hartford, Connecticut; KPHZ-LP, channel 58, Phoenix, Arizona; KNET-LP, channel 38, Los Angeles, California; WBPA-LP, channel 29, Pittsburgh, Pennsylvania; WHTV, channel 18, Jackson, Michigan; KSFV-LP, channel 24, San Fernando Valley, California; KTAZ-LP, channel 25, Tucson, Arizona; K31CK, channel 31, Tucson, Arizona; WTWB-TV, channel 19, Johnstown, Pennsylvania; K38DY, channel 38,

industries in order to aid in the process for upgrading the public's full service and low power broadcast television service while using the spectrum most effectively. However, the R&Os are riddled with certain policies that remain that must be immediately corrected. To resolve these ill-advised public and technical policies, VenTech urges the Commission to revise and clarify the rules governing advanced television as outlined herein.

I. THERE ARE CERTAIN IRRELEVANCIES IN THE "C" DESIGNATED OFFSETS.

New Section 73.622(b), the new DTV Table of Allotments, and Section 73.622(g), designation of "c" offsets, of the Commission Rules were not constructed with a complete incorporation of the actual table of assignments.

These "c" offsets are required to reduce interference from a DTV station to an analog station operating on the channel immediately below the DTV station. They do not apply in the reverse situation, or between DTV stations. In about 40% of the "c" offsets specified in Section 73.622(d), there is no relevant NTSC station on the channel immediately below the DTV assignment designated "c." In 17 cases designated "c," the DTV station is on a channel (either channel 2, 5, 7, 14, or 38) that has no NTSC channel immediately below it in frequency. DTV stations on these channels will not ever require such an offset. The Commission should correct the "c" offset designation for these stations.

Calabasas, California; K69HJ, channel 69, Phoenix, Arizona; KBCB, Bellingham, Washington; On-Line Public Educational Network for the 21st Century, Inc., an applicant for several noncommercial television construction permits, and CalaVision Cable, Los Angeles, California. These comments represent the consensus of the signatories.

II. DTV STATION PROTECTION MUST INCORPORATE THE GRAND ALLIANCE'S ALTERNATIVE 6 VSB MODULATION SYSTEM.

New Section 73.623(d), governing technical requirements for changes, and Section 73.622(g), governing DTV station protection, of the Commission Rules do not allow for the greatest flexibility and progressive qualities of the Grand Alliance and are needlessly restrictive to NTSC television broadcast stations and low power television stations.

In both of these sections, co-channel protection to DTV stations is defined as requiring a -21 dB ratio between NTSC interference and the service contour of the DTV station. In Appendix A, Table II of the Sixth R&O, the FCC employed a -1.81 dB ratio to evaluate interference to DTV stations from NTSC stations. Therefore, up to 19.19 dB more interference will be caused to DTV station service areas by the operation of NTSC stations than was assumed in Appendix B, Table 1. Table 1 only includes authorized television broadcast stations and replicating DTV facilities. LPTV stations, upgraded NTSC television broadcast stations, and expanded DTV facilities must use the more stringent -21dB protection ratio and may therefore be prevented from any improvement by this change in factor.

VenTech, in Comments filed in response to the Sixth Notice of Proposed Rulemaking, demonstrated that the Grand Alliance 8/16 VSB modulation system was unable to meet its co-channel rejection ratio under low signal-to-noise conditions. The Grand Alliance developed an alternative "6 VSB" modulation system to correct this problem. While the 6 VSB system has never been formally accepted as part of the Grand Alliance system, it should

replace the 8/16 VSB modulation system to permit the co-channel interference standards to be returned to -2 dB instead of the -21 dB used in Sections 73.623(c) and 74.706(d)(1) of the Commission's rules.

To not take this action will not only greatly impair the survival of LPTV stations, it will also greatly reduce the success of DTV stations. For DTV facilities to successfully operate in the already crowded television broadcast bands, the DTV signal must be able to provide service even in the presence of significant interference. The Commission must reconsider the DTV modulation standard in order to modify the 2 dB protection ratio to a 21 dB protection ratio. To do that they must change to the 6 VSB modulation system as included in Appendix A of the Comments of VenTech filed in response to the Sixth Notice of Proposed Rulemaking.

III. INTERFERENCE PROTECTION SHOULD BE LIMITED TO THE GRADE B CONTOUR OF A STATION.

In Section 74.706(a) of the Commission rules as included in the Sixth R&O, the DTV protected service area service is not clearly limited to -- as intended -- to the Grade B service area of a given television station. Grade B coverage should continue to be determined in the standard manner without any increase due to dipole factor. This is necessary to prevent anomalous pockets of DTV service contours located outside of the NTSC coverage area from blocking use of a channel by an LPTV station.

IV. THE ALLOTMENT PROCESS CAN BETTER FORMULATED WITH MINOR ADJUSTMENTS AND SELECTIVE EXCEPTIONS TO THE COMMISSION'S PLANNING PRIORITIES AND ASSUMPTIONS TO BETTER PROTECT LOW POWER TELEVISION.

In its haste to put out the Sixth R&O, which was released as a gift to the broadcast industry just prior to the March 1997 convention of the National Association of Broadcasters ("NAB Convention"), the Commission refers to the dictates of the Office of Engineering and Technology Bulletin No. 69 (OET Bulletin No. 69"). However, OET Bulletin No. 69 has not yet been released. Without OET Bulletin No. 69, it is impossible to properly and accurately calculate interference and coverage. Therefore, it is impossible to calculate as accurately as is required in most cases preferred and more efficient formulations in the DTV Table of Allotments.

At the NAB Convention, Commissioner Ness met with representatives of the LPTV industry and agreed that there is great value in study with a fresh eye any proposed DTV table of allotments incorporated in reconsideration of the 6th R&O that proved less onerous to LPTV stations than the DTV table of allotments accepted by the Commission in the 6th R&O. Unfortunately, months later the OET Bulletin No. 69 is still not available. Without OET Bulletin No. 69, it is truly impossible to accurately predict a preferred table of allotments as Commissioner Ness and the representatives of the LPTV industry anticipated would be possible. Therefore, VenTech requests an additional 90 days after the release of OET Bulletin No. 69 so members of the broadcasting industry, particularly those in the LPTV arena, can craft appropriate solutions to the DTV table of allotments. Until that time,

VenTech requests that the current DTV table of allotments be treated in its entirety as provisional pending consideration of solutions.

V. MINIMAL CHANGES IN THE PROPOSED DTV TABLE OF ALLOTMENTS IN SOUTHERN CALIFORNIA ARE REQUIRED IMMEDIATELY TO MAXIMIZE INTERNATIONAL COORDINATION AND MINIMIZE INTERFERENCE .

In its Comments, VenTech proposed changes in the proposed DTV Table of Allotments in Southern California. Those proposed changes should be revisited and the Commission should immediately reconsider its Table of Allotments as it effects this area. Unlike the Table of Allotments that was adopted, VenTech proposed in its Comments a DTV Table of Allotments for Southern California that had no conflicts with either Mexican assignments of local Southern California NTSC stations.

Incorporation of the proposal of VenTech will allow for immediate improvements spectral efficiency, prevent interference to and from the new NTSC channel 38 in Santa Barbara, California, and allow for greater international coordination, and allow for the preservation of four LPTV stations operating in the Southern California area on UHF channel 38.

On September 21, 1995, the Commission granted an Initial Decision in favor of granting the application of Coast Television its application for a new construction permit for a television station on Channel 38 at Santa Barbara, California (FCC File No. BPCT-840720KG, FCC Docket No. D84-935). That Initial Decision has subsequently been appealed by the parties in that docket that were denied the Initial Decision and the construction permit has not been formally granted. However, under current Commission

rules Coast Television has the right to construct and operate the proposed station, knowing that its right to operate the station could be overturned. Because it has the right to operate on channel 38, channel 38 should not be used as a DTV assignment anywhere in Southern California.

The Commission did not account for an NTSC station on channel 38 at Santa Barbara, California, in its formulation of its DTV Table of Allotments and proposed assignment of a DTV station paired with KZKI(TV), Channel 30, San Bernardino, California. In fact, the current Commission television data base has no reference to the above-referenced Coast Television application, which was granted the Initial Decision. The Commission has erroneously purged the Initial Decision from its memory, and in doing so has violated its own rules.

The Commission should reconsider the DTV Table of Allotments it created for the Southern California area and instead utilize the table proposed in the VenTech Comments in response to the Sixth Notice of Proposed Rulemaking.

VI. THE COMMISSION MUST DESIGN PRIORITIZE MAJOR MARKET LPTV STATIONS OVER SUBURBAN AND RURAL LPTV STATIONS IN ACCEPTANCE OF DTV DISPLACEMENT MODIFICATIONS.


There is a limited amount of bandwidth. Where the Commission is generally allowing major market DTV stations to steal frequencies from LPTV because there is not enough frequency for all parties, the Commission should not allow -- as anticipated in the R&Os -- suburban LPTV stations and rural LPTV stations and translators to steal frequencies that are necessary for the survival of urban, major market LPTV stations. Urban LPTV stations

should be provided with priority in frequency use over these other parties because their location precludes the use of other possible channels. Displacement effects should be prioritized to allow for proximity to the displacing channel to be a major criteria for reallocation.

WHEREFORE, as set forth above, the Commission should clarify, revise, and provide for limited exemptions to the decisions reflected in the R&Os.

Respectfully submitted,

VENTURE TECHNOLOGIES GROUP

By 
Garry Spire, Esq.
General Counsel

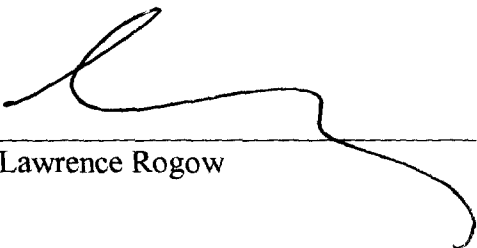
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June 12, 1997

Certificate of Service

I, Lawrence Rogow, hereby certify that on this 12th day of June 1997, I have caused an original and nine copies of the foregoing Venture Technologies Group's Petition for Clarification and Partial Reconsideration of the Fifth and Sixth Reports and Orders to be hand delivered to the offices of the following:

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